

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

CHRIS FINK,

Plaintiff,

vs.

MONTANA PAROLE BOARD
EMPLOYEES,

Defendants.

CV-21-77-H-SEH

ORDER

On November 15, 2021, the Court ordered Plaintiff Chris Fink, a state prisoner proceeding pro se, to file his account statement within fourteen days of the Order or his case may be dismissed.¹ He has failed to do so.

Fed. R. Civ. P. 41(b) authorizes dismissal “[i]f the plaintiff fails to prosecute” and may do so without awaiting a motion.² The Court will weigh: “(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy

¹ Doc. 5.

² *Link v. Wabash Railroad Co.*, 370 U.S. 626, 633 (1962); *Hells Canyon Preservation Council v. United States Forest Serv.*, 403 F. 3d 683, 689 (9th Cir. 2005).

favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions” in making this determination.³

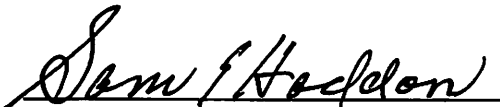
Fink’s failure to file an account statement or otherwise move the case forward supports dismissal. “The trial judge is in the best position to determine whether the delay in a particular case interferes with docket management and the public interest.”⁴ This factor favors dismissal. The third factor requires the Court to weigh the risk of prejudice to the Defendants. No Defendants have appeared. Alternatives less drastic than dismissal have been considered. None are present.

ORDERED

1. This matter is DISMISSED.⁵ All pending motions are DENIED as moot.

2. The Clerk of Court is directed to close the file and enter judgment.⁶

DATED this 24th day of January, 2022.


Sam E. Haddon
United States District Court Judge

³ *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988) (quoting *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir.1986)).

⁴ *Pagtalunan v. Galaza*, 291 F. 3d 639 (9th Cir. 2002).

⁵ Fed. R. Civ. P. 41(b).

⁶ Fed. R. Civ. P. 58.